

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

OLGA JASSO
Plaintiff,

vs.

STATE FARM LLOYDS,
Defendant.

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Civil Action No. 1:15-cv-203

**PLAINTIFF’S MOTION FOR VOLUNTARY
DISMISSAL WITHOUT PREJUDICE UNDER RULE 41(a)(2)**

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

COMES NOW, Plaintiff Olga Jasso, and respectfully files this Motion for Voluntary Dismissal without Prejudice under Rule 41(a)(2) of the Federal Rules of Civil Procedure and as cause therefore would show the Honorable Court as follows:

I. BACKGROUND

1. Plaintiff Olga Jasso filed suit in state court on September 23, 2015 alleging, among other claims, 1) negligence; 2) negligent misrepresentation; 3) money had/received; and 4) unjust enrichment.

2. Defendant State Farm Lloyds filed its Notice of Removal to this Court on November 18, 2015 (Dkt 1).

3. Defendant State Farm Lloyds’s Motion for Partial Summary Judgment was filed on January 2, 2017 (Dkt 22) and Plaintiff’s Response on January 23, 2017 (Dkt 23).

4. In her response to Defendant's Motion for Partial Summary Judgment, Plaintiff stated that she would not seek damages for the above referenced causes of actions. (Dkt 23; **B.**)

5. Plaintiff now files this Motion for Voluntary Dismissal under Federal Rules of Civil Procedure 41(a)(2) and pursuant to this Court's Order (Dkt. 26).

II. MOTION TO DISMISS PURSUANT TO RULE 41(a)(2)

6. Plaintiff would show the Court that at this time Plaintiff no longer desires to prosecute the above referenced causes of actions and moves this Court to dismiss the same under Rule 41(a)(2) of the Federal Rules of Civil Procedure, without prejudice.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff Olga Jasso requests that the Court enter an Order of Dismissal without Prejudice of Plaintiff's 1) negligence; 2) negligent misrepresentation; 3) money had/received; and 4) unjust enrichment claims, and for such other and further relief to which Plaintiff may show to be justly entitled.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

I certify that Plaintiff's counsel has attempted to confer with opposing counsel regarding the substance of this Motion since July 7, 2017 and has been unable to reach him. As such Plaintiff's counsel assumes that Defendant is opposed to the filing of this motion.

/s/ J. Davis
Joshua P. Davis

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing has been served on all parties and/or counsel of record in accordance with the FEDERAL RULES OF CIVIL PROCEDURE on July 12, 2017 as follows:

Via ECF:

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